CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	☐ U.S.
Emma Stydahar		Squad #13	202004415	☐ Abuse	□ O.L.	✓ Injury
T. 11 - 15 - ()					Table gov I	TO GOY
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Monday, 06/01/2020 11:55 AM		Banyer Place and Croed of § 87(2)(b)	s Avenue; In front	43	12/1/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Tim	e Received at CCR	В
Mon, 06/01/2020 5:30 PM		IAB	Phone	Thu, 06/1	8/2020 10:44 AM	
Complainant/Victim	Type	Home Addre	ess			
						Ī
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. SGT Costantino Barberis	00522	933632	ESS 03			
2. DTS Ryan Bracconeri	05015	948690	ESS 03			
3. PO Theo Roussos	15002	949584	ESS 03			
4. Officers						
5. An officer						
Witness Officer(s)	Shield No	o Tax No	Cmd Name			
1. DTS Michael Cacace	01990	929808	ESS 03			
2. DTS Julio Mendez	4239	942193	ESS 03			
3. SGT Williams Jeanbaptiste	04200	926992	043 PCT			
4. LT Steven Caraballo	00000	932412	ESU			
5. POM Daniel Castillo	23958	957432	043 PCT			
6. PO Jimy Narcisse	16974	957888	043 PCT			
7. POM Jesse Mancuso	17486	955122	043 PCT			
8. POM Steven Rodriguez	26663	965476	043 PCT			
9. SGT Rochelle Fleary	01370	952737	043 PCT			
10. POF Baseemah Merkman	01849	960938	043 PCT			
11. POM Richard Joseph	27450	948229	043 PCT			
12. POM Jose Blanco	20558	951548	043 PCT			
13. POF Mia Martin	15223	967988	043 PCT			
14. POF Elisamparo Fanas	09669		043 PCT			
15. POM Angel Suazopelaez	19969	968150	043 PCT			
16. POF Lorraine Fuentes	09878	944221	043 PCT			

Officer(s)	Allegation	Investigator Recommendation
A.SGT Costantino Barberis	Force: At Banyer Place and Croes Avenue in the Bronx, Sergeant Costantino Barberis used physical force against \$87(2)(b)	
B.DTS Ryan Bracconeri	Force: In front of \$87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against \$87(2)(b)	
C.PO Theo Roussos	Force: In front of \$87(2)(b) in the Bronx, Police Officer Theo Roussos used physical force against \$87(2)(b)	
D. Officers	Force: In front of §87(2)(b) in the Bronx, officers used physical force against §87(2)(b)	
E. Officers	Force: In front of \$87(2)(b) in the Bronx, officers used physical force against \$87(2)(b)	
F. An officer	Force: In front of \$87(2)(b) in the Bronx, an officer used a chokehold against \$87(2)(b)	
G. An officer	Force: In front of \$87(2)(b) in the Bronx, in officer restricted s breathing.	
H. An officer	Force: In front of \$87(2)(b) in the Bronx, an officer used physical force against \$87(2)(b)	
I.DTS Ryan Bracconeri	Force: In front of \$87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against \$87(2)(b)	
J.SGT Costantino Barberis	Force: In front of \$87(2)(b) in the Bronx, Sergeant Costantino Barberis used physical force against \$87(2)	
K. An officer	Force: In front of \$87(2)(b) in the Bronx, an officer used physical force against \$87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary On June 1, 2020, § 87(2)(b) called IAB and filed this complaint on behalf of individuals unknown to her, identified via investigation as §87(2)(b) It was received by the CCRB on June 18, 2020. On June 1, 2020, at approximately 11:55am, at Banyer Place and Croes Avenue in the Bronx, multiple officers from the 43rd Precinct and the Emergency Service Unit (ESU) responded to a dispute and attempted to disperse multiple civilians, including § 87(2)(b) Sergeant Constantino Barberis of ESU used physical force against § 87(2)(b) (Allegation A: Force, § 87(2)(9)). In front of § 87(2)(b) in the Bronx. Detective Ryan Bracconeri and Police Officer Theo Roussos, both of ESU, took § 37(2)(b) to the ground (Allegations B-C: Force, §87(2)(9)). Officers allegedly pushed against a police vehicle (Allegation D: Force, \$87(2)(9) Officers used physical force against § 87(2)(b) including punching him and placing a knee on his neck (Allegations E-G: Force, § 87(2)(9) . An officer allegedly pulled hair (Allegation H: Force, § 87(2)(9)). Det. Bracconeri sat atop). Sergeant Barberis took head (Allegation I: Force, § 87(2)(9) § 87(2)(b) to the ground (Allegation J: Force, §87(2)(9)), § 87(2)(b) § 87(2)(b) was escorted to a police vehicle, where an officer allegedly shoved and punched him (Allegation K: Force, § 87(2)(g) 87(2)(a) 160.50, [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] BWC" footage of this incident was obtained from NYPD Legal. § 87(2)(9) Cell phone video of this incident was also provided to the investigation by §87(2)(b) and by a witness, **Findings and Recommendations** Allegation (A) Force: At Banyer Place and Croes Avenue in the Bronx, Sergeant Costantino Barberis used physical force against § 87(2)(b) (Board Review 22) said from her [87(2)] -floor apartment at [87(2)(b)] saw a group of 10-15 young men shooting fireworks in the middle of the street at the intersection of Croes Avenue and Banyer Place. After approximately 20 to 30 minutes, officers arrived and engaged in a verbal back and forth with the group of young men. §87(2)(6) could not hear what was said, though she thought the officers ordered the group to disperse because after a few minutes, the young men began walking away into the street. The officers followed and the verbal back and forth continued. As detailed in a Notice of Claim filed by § 87(2)(b) behalf of § 87(2)(b) (Board Review 24), § 87(2)(b) went to Banyer Place with his nephew, § 87(2)(b) to escort § 87(2)(b) children to the children's

CCRB Case # 202004415

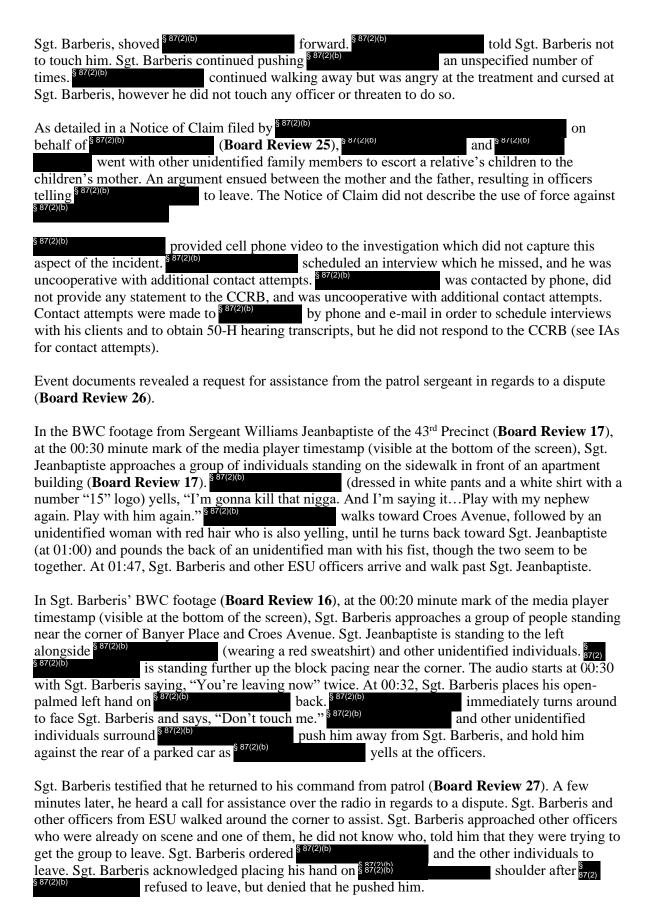
were walking away, officers approached from behind and an officer, identified via investigation as

to leave. The two complied with this order. The unidentified mother of the

mother. An argument ensued which resulted in officers telling \$87(2)(b)

children followed the two and yelled at them. As §87(2)(b)

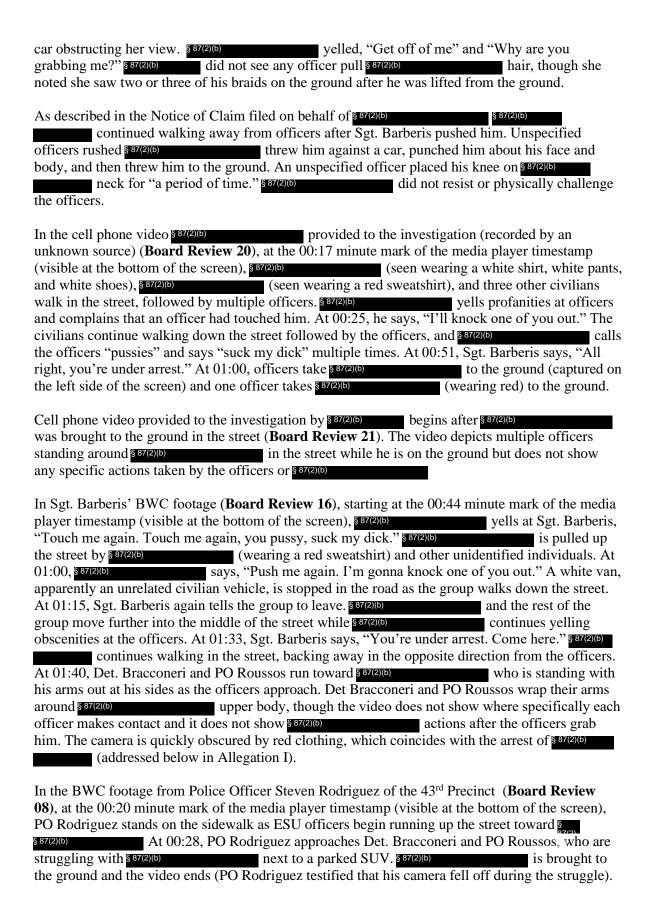
and § 87(2)(b)

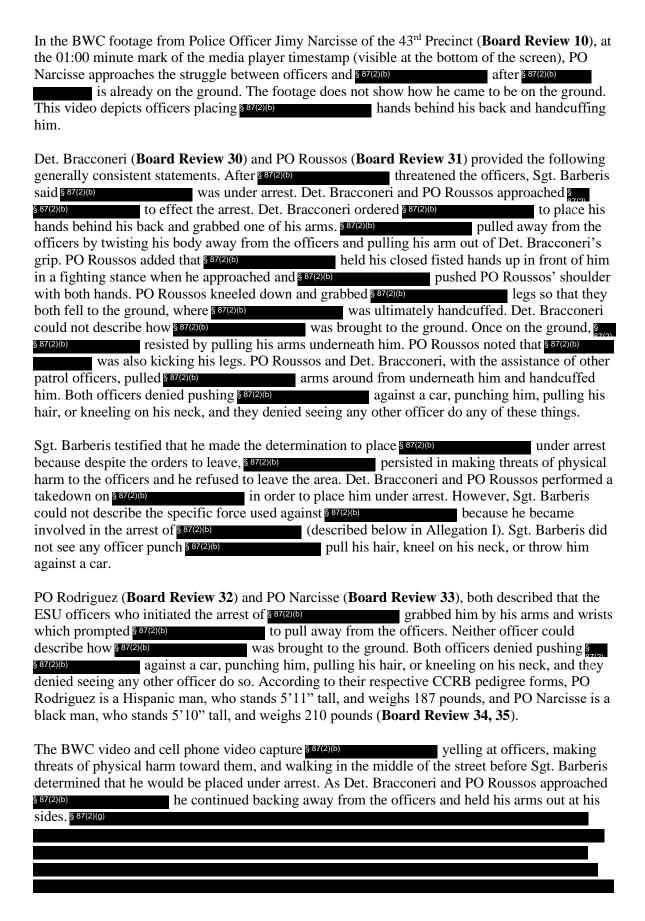


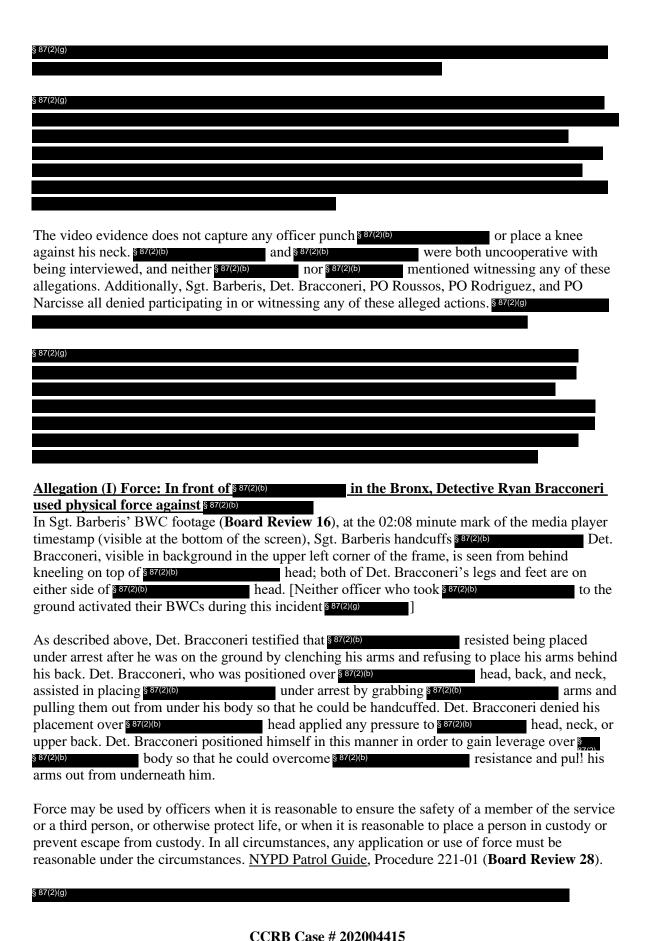
CCRB CTS – Confidential Page 2

Force may be used by officers when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (Board Review 28).

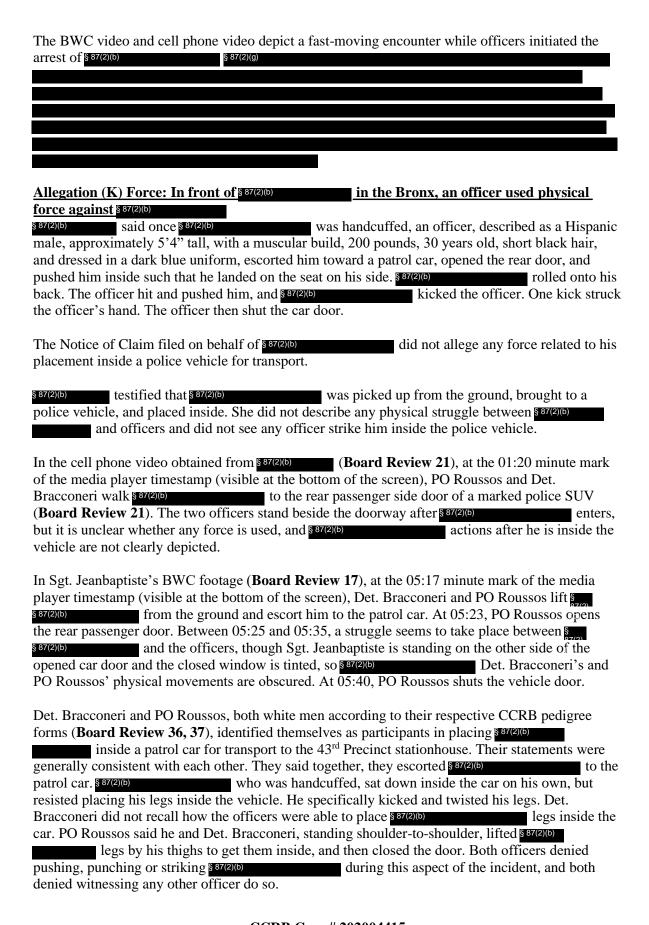
§ 87(2)(g)	
Allegation (B) Force: In front of \$87(2)(b)	in the Bronx, Detective Ryan Bracconeri
used physical force against § 87(2)(b)	in the Broim, Betechte R, an Braceonerr
Allegation (C) Force: In front of \$87(2)(b)	in the Bronx, Police Officer Theo Roussos
used physical force against § 87(2)(b)	in the Bronx, ronce officer rineo Roussos
Allegation (D) Force: In front of \$87(2)(b)	in the Bronx, officers used physical force
against § 87(2)(b)	in the bronx, officers used physical force
Allegation (E) Force: In front of \$87(2)(b)	in the Bronx, officers used physical force
against § 87(2)(b)	in the bronx, officers used physical force
Allegation (F) Force: In front of \$87(2)(b)	in the Bronx, an officer used a chokehold
against § 87(2)(b)	in the bronx, an officer used a chokehold
Allegation (G) Force: In front of §87(2)(b)	in the Bronx, in officer restricted § 87(2)(b)
s breathing.	in the Bronx, in officer restricted sorte, or
Allegation (H) Force: In front of §87(2)(b)	in the Bronx, an officer used physical
force against § 87(2)(b)	in the bronx, an officer used physical
\$87(2)(b) said officers followed the group of	man in the street until they were in front of
said officers followed the group of \$87(2)(b) s building. An officer and one of the your	
	could not hear most of what was said because
there was a lot of yelling and screaming, but she h	
bothering us? We're not doing anything." §87(2)(b)	
unidentified officer (described as a Hispanic many	
and dressed in a blue uniform) grabbed his arms a	
	by both arms and threw him to the
ground, though § 87(2)(b) could not describe	
	stood up and pulled on § 87(2)(b)
hair, causing two or three dreadlocks to be pulled:	
officer as a Hispanic man who was 5'3" tall, weig	
dressed in a blue uniform.	ned 180-200 pounds with a muscular bund, and
dressed in a blue uniform.	
(Doord Dorson 20) at a	and of \$27/07/5
(Board Review 29), a te	
from the window of her from -floor apartment. She	
	ard yelling and looked out the window, where she
saw three officers running after \$87(2)(b)	identified via investigation. §87(2)(b)
	did not see how this occurred because she had
turned away for about two minutes to retrieve her	-
her window, officers were on top of \$87(2)(b)	though § 87(2)(b) was unsure how
many officers and she could not describe the phys	
§ 87(2)(b) because there were other of	fficers who were standing up as well as a parked







§ 87(2)(g)
Allegation (J) Force: In front of \$87(2)(b) in the Bronx, Sergeant Costantino Barberis used physical force against \$87(2)(b)
said at approximately the same time 887(2)(b) was being apprehended,
another civilian in the street, identified via investigation as §87(2)(b) said to an officer,
"Why are you bothering us? We're not doing anything. All we were doing was shooting fireworks."
The officer grabbed \$87(2)(b) arms and threw him to the ground. \$87(2)(b)
landed on his stomach. The officer pulled his hands behind his back and rear handcuffed him.
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only described the forcible takedown of one civilian during this incident, identified via investigation as §87(2)(b)
As described above, \$87(2)(b) and \$87(2)(b) were uncooperative with the
As described above, \$87(2)(b) and \$87(2)(b) were uncooperative with the investigation (see IA s for contact attempts). In the Notice of Claim filed on behalf of \$87(2)(b)
it is noted that \$87(2)(b) was violently grabbed and thrown to the ground
after officers approached § 87(2)(b) and the ground was violently grabbed and thrown to the ground did not resist.
after officers approached souther from behind.
In the cell phone video [\$87(2)(b)] provided to the investigation (recorded by an unknown source) (Board Review 20), at the 01:00 minute mark of the media player timestamp (visible at the bottom of the screen), officers are placing [\$87(2)(b)] under arrest next to a black SUV. [\$87(2)(b)] (wearing a red sweatshirt) moves in the direction of the officers arresting [\$87(2)(b)] At 01:03, Sgt. Barberis has his arms wrapped around [\$87(2)(b)] William's waist. [\$87(2)(b)] has both arms outstretched to his sides and his torso turns toward the recorder of the video who is standing across the street. [\$87(2)(b)] and Sgt. Barberis fall to the ground in the street. Sgt. Barberis grabs [\$87(2)(b)] arms and he is handcuffed as other officers surround him.
Det. Bracconeri, PO Roussos, PO Rodriguez, and PO Narcisse did not observe any civilian attempt to interfere with \$87(2)(b) arrest, though they were involved in the volatile arrest of \$87(2)(b)
Sgt. Barberis said when Det. Bracconeri and PO Roussos approached 887(2)(b)
s87(2)(b) ran at Det. Bracconeri, PO Roussos, and s87(2)(b) which led Sgt.
Barberis to believe that \$87(2)(b) William was attempting to interfere with \$87(2)(b)
s arrest. § 87(2)(6) did not make physical contact with those officers or §
Sgt. Barberis wrapped his arms around \$87(2)(b) from behind by the
waist and held him for a moment, but because he was squirming away from Sgt. Barberis and still
moving toward \$87(2)(b) and the officers arresting him, who were less than a few feet
away, Sgt. Barberis took § 87(2)(b) to the ground by tripping him. § 87(2)(b)
landed face down and was ultimately handcuffed.



CCRB CTS – Confidential Page 8

§ 87(2)(g)
§ 87(4-b) § 87(2)(g)
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Civilian and Officer CCRB Histories
• This is the first complaint to which \$87(2)(b) and \$87(2)(b) have
 been party (Board Review 39, 40). This is the third CCRB complaint to which \$87(2)(b) is a party (Board Review 41).
S \$87(2)(b)
• Sgt. Barberis has been a member of service for 17 years and has been a subject in seven
 additional complaints comprised of 10 allegations, none of which were substantiated. PO Roussos has been a member of service for 11 years and has been a subject in five
additional complaints comprised of seven allegations, none of which were substantiated.
• Det. Bracconeri has been a member of service for 11 years and has been a subject in seven
additional complaints comprised of 10 allegations, one of which was substantiated. o In case #201312000, one premises entered and/or searched allegation was
o In case #201312000, one premises entered and/or searched allegation was substantiated. The Board recommended Formalized Training, which the NYPD
imposed.
● § 87(2)(g)
Mediation, Civil and Criminal Histories
 This case was not suitable for mediation.
• According to the New York City Comptroller's Office, both \$87(2)(b) and \$27(6)
filed Notices of Claim regarding this incident. §87(2)(b) is seeking \$680,000 in redress and §87(2)(b) is seeking \$205,000 in redress for
15 Seeking \$400,000 in fedices and parties 15 seeking \$200,000 in fedices for

the aforementioned allegations, as well as false imprisonment and serious physical injury which required surgery (Board Review 24, 25).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.: 13		
Investigator: <u>Inv. Emma Stydaha</u> Signature	nr Inv. Emma Stydahar Print Title & Name	02/08/2022 Date
Squad Leader: <u>Laura Kastner</u> Signature	IM Laura Kastner Print Title & Name	02/08/2022 Date